

ESTTA Tracking number: **ESTTA599713**

Filing date: **04/21/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215389
Party	Defendant EAST WEST BANK
Correspondence Address	THOMAS T. CHAN FOX ROTHSCHILD LLP 1055 W 7TH ST STE 1880 LOS ANGELES, CA 90017-2529 IPdocket@foxrothschild.com;TChan@foxrot
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Date	04/21/2014
Attachments	2014_04_21_Applicant EWB Answer to The Plubell Firm, LLC Notice of Opposi- tion.pdf(562642 bytes)

In the Matter of Trademark Application No. 85/933,193

EAST WEST INVESTMENT SERVICES

Opposition No. 91215389

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Applicant admits only that the services for Registration No. 3,448,481 in Class 35 are set forth as follows: “Providing business information and business consultation to others about requirements for doing business between China and other countries and facilitating the conducting of business transactions between China and other countries,” as maintained in the records with the USPTO.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies the same.

5. As to the allegations set forth in Paragraph 5 of the Notice of Opposition, Applicant admits only that Opposer and Applicant are parties to Cancellation No. 92053712 brought by Applicant based upon Applicant’s ownership of Registration Nos. 2,025,824 (EAST WEST BANK), 3,430,148 (EAST WEST BANK [and Design]), and 3,623,050 (BUSINESS BRIDGE). Except to the extent expressly admitted herein, Applicant denies the allegations set forth in Paragraph 5 of the Notice of Opposition.


6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

As and for separate affirmative defenses, Applicant alleges the defenses set forth below. Applicant reserves the right to allege other defenses, affirmative or otherwise, as may become

necessary during the course of discovery in these proceedings, and hence reserves the right to amend this Answer to assert any such defenses.

1. The facts set forth in Opposer's Notice of Opposition are insufficient to state a claim or to support an opposition of Applicant's  EAST WEST INVESTMENT SERVICES mark, namely, Application No. 85/933,193.


2. Opposer's claims are barred by the doctrine of unclean hands. Specifically, it is Applicant's belief that Opposer has instituted this frivolous opposition against Applicant as harrassment in connection with related proceeding, namely, Cancellation No. 92053712,¹ in which Opposer filed its Amended Answer and Counterclaim against Applicant on May 17, 2012 on the grounds of abandonment and fraud in connection with Applicant's Registered Marks, namely, Registration Nos. 2,025,824 and 3,430,148.

WHEREFORE, Applicant respectfully requests that Opposer's Notice of Opposition be dismissed in its entirety.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: April 21, 2014

By: 
Thomas T. Chan
Aaron Craig
Lisa A. Karczewski
Attorneys for Applicant
EAST WEST BANK

¹ Opposer cited Cancellation No. 92053712 in its filing of the instant Notice of Opposition with the Board on March 12, 2014 as a related proceeding.

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT EAST WEST BANK'S ANSWER TO OPPOSER THE PLUBELL FIRM, LLC'S NOTICE OF OPPOSITION** has been served on Opposer's attorneys of record by U.S. First Class Mail on this April 2, 2014, addressed as follows:

H. David Starr
Nath, Goldberg & Meyer
112 South West Street
Alexandria, VA 22314



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